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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,193	09/10/2001	Klas Kristrom	SUNDS-123	2388

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EXAMINER

KOHNER, MATTHEW J

ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/936,193	Applicant(s) KRISTROM ET AL. K	
	Examiner Matthew J Kohner	Art Unit 3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments Amendments

Applicant has amended the drawings to overcome the objections of the previous office action.

Applicant has amended claim 15 to overcome the § 112 rejection of the previous office action.

Applicant has amended the independent claims to include the limitation of, "said at least one barrier member including a pulse surface facing said rotary screen, said pulse surface having a shape such that the distance between said pulse surface and said rotary screen decreases in the direction of rotation of said rotary screen, the decrease beginning immediately following the intersection of the barrier member and the stator."

Applicant has argued Ingemarsson teaches a long extension member that attaches to a barrier member with a tapering angle. Therefore, the extension member between the barrier member and the stator prevents the pulse surface from decreasing in the direction of rotation beginning "immediately following" the intersection of the barrier member and the stator.

Examiner respectfully disagrees. Applicant has not defined "immediately following" in the specification. Therefore, applicant relies on the drawings to show what is meant by the language "immediately following." Applicant's Fig. 2 shows a top view which includes the barrier pulse member (12). This top view shows the barrier pulse member having four sides. The four sides being:

1. the side which angles out towards the screen member;

2. the side attached to the stator;
3. a front portion which connects the two sides (and is smaller in length than the back portion);
4. a back portion which connects the two sides (and is larger in length than the front portion).

The front portion comes perpendicularly out of the stator (8) [see Fig. 2] before it meets the side portion of the barrier pulse member which proceeds backwards at an angle towards the screen means (7). In other words, the barrier pulse member, as a whole, does not appear to angle out towards the screen at the exact intersection of the barrier/pulse member and the stator. Instead, the barrier pulse member begins to angle out towards the screen from a point that is away from the intersection between the stator and the barrier pulse member.

Since applicant's drawings show this is what is meant by the term "immediately after", Ingemarsson appears to teach a "at least one barrier member including a pulse surface facing said rotary screen, said pulse surface having a shape such that the distance between said pulse surface and said rotary screen decreases in the direction of rotation of said rotary screen, the decrease beginning immediately following the intersection of the barrier member and the stator" at least as much as applicant's device.

Hence, the rejection is maintained.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 23 claims the at least one barrier member extending radially outward from the stator at a predetermined angle wherein the angle faces the direction of rotation of the rotary screen. This is unclear. From Figure 2, the barrier member extends outward at an angle that is perpendicular with regard to the stator. In other words, the barrier member would extend perpendicular to a line drawn tangent to the edge of the circular stator. Since the angle is a perpendicular one, it is not understood how the angle faces the direction of rotation of the rotary screen. It is unclear what the applicant is claiming.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10-11, 13-17 and 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 3,404,065 to Ingemarsson.

Ingemarsson discloses an apparatus for separating a fiber suspension (Col. 1, line 14) which includes:

- a housing (see Fig. 1);
- a stator (18) mounted centrally within said housing (See Fig. 1);

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- a rotary screen (32) rotatably mounted between said housing;
wherein the stator divides the housing into a screen chamber and an accept chamber
- an inlet (36);
- a reject outlet (48);
- an accept outlet (56);
- at least one barrier member (60) fixedly attached to the stator and extending axially

along the length of the stator (See Fig. 2) wherein the barrier member extends:

axially along the length of the stator (See Fig. 1); and

radially from the stator to the rotary screen (See Fig. 2);

wherein the accepted fiber suspension is substantially prevented from tangentially passing the barrier member and the barrier member creates a pulse through the rotary screen.

In regard to claim 11, see col. 1, line 14.

In regard to claims 13-15 see Fig. 2.

In regard to claims 16 and 17, see Fig. 1.

In regard to claim 21, see Fig. 2.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ingemarsson.

In regard to claim 12, modifying the pulse surface of the barrier member facing the screen is known in the art (See e.g. US Patent No. 4,234,417 to Gauld et al. Fig. 3 and Col. 3, lines 35+). Therefore, it would be obvious to one of ordinary skill in the art to modify the pulse surface as claimed by applicant.

In regard to claims 18-19, Ingemarsson discloses several barrier members (See Fig. 4). It would be obvious to one of ordinary skill in the art to modify the number of barrier members.

In regard to claim 20, Ingemarsson does not appear to specifically disclose the exact amount of distance between the barrier member and the screen, however, it would be obvious to one of ordinary skill in the art to make the minimum distance from 4-10mm.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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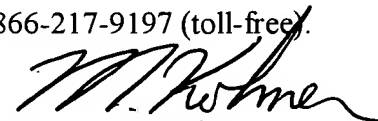
however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Kohner whose telephone number is 703-305-8496.

The examiner can normally be reached on Mon-Fri 9-5:30.

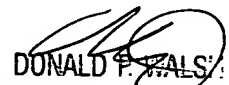
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh can be reached on 703-306-4173. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Matthew J. Kohner
Examiner
Art Unit 3653

mjk



DONALD P. WALSH
SUPERVISORY PATENT EXAMINER
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